

ADAM PAUL LAXALT
 Attorney General
 ERIN L. ALBRIGHT, Bar No. 9953
 Deputy Attorney General
 State of Nevada
 Bureau of Litigation
 Public Safety Division
 100 N. Carson Street
 Carson City, Nevada 89701-4717
 Tel: (775) 684-1257
 E-mail: ealbright@ag.nv.gov

*Attorneys for Defendants
 Romeo Aranas and Maribelle Henry
 for the limited purposes of settlement discussions*

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KARL W. SCHENKER,

Plaintiff,

v.

NEVADA DEPARTMENT OF
 CORRECTIONS, et al.

Defendants.

Case No. 3:17-cv-00654-MMD-VPC

ORDER

**DEFENDANTS' MOTION FOR
 ENLARGEMENT OF TIME TO FILE
 REPORT OF 90-DAY STAY**

Defendants Romeo Aranas and Maribelle Henry, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney General, hereby move this Court for an enlargement of time for Defendants to file their ninety (90) day stay report. This motion is made pursuant to FED. R. CIV. P. 6(b)(1)(A) and is based upon the following Memorandum of Points and Authorities and all other papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF MOTION

Defendants hereby move for this enlargement of time to file the 90-Day Stay Report due to the fact that the Early Mediation Conference in this matter has not been scheduled.

II. RELEVANT FACTUAL BACKGROUND

The First Amended Complaint was filed July 12, 2018. (ECF No. 9).

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1 On July 18, 2018, this Court entered a Screening Order (ECF No. 10) on Plaintiff's Complaint
2 pursuant to 28 U.S.C. § 1915A. *Id.* Pursuant to this order, the case was stayed for ninety (90) days to
3 allow the parties an opportunity to settle their dispute before an answer is filed or the discovery process
4 begins. *Id.* at 9.

5 To date, the early mediation conference has not been scheduled.

6 **III. LEGAL AUTHORITY**

7 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

8 When an act may or must be done within a specified time, the court may,
9 for good cause, extend the time: (A) with or without motion or notice if
10 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

11 The proper procedure, when additional time for any purpose is needed, is to present a request for
12 extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
13 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
14 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
15 F.R.D. 268 (N.D. Ohio 1947).

16 **IV. DISCUSSION**

17 Defendants submit that the facts and the argument contained herein constitute good cause to
18 enlarge the time for the filing of the ninety (90) day stay report. The intent of the ninety (90) day stay is to
19 permit the parties an opportunity to discuss settlement and to defer the assessment of the \$350.00 filing
20 fee until the conclusion of those communications. (ECF No. 10 at 2).

21 Here, the early mediation conference has not been scheduled. To impose the assessment of the
22 \$350.00 filing fee before the early mediation conference would circumvent the intent of the stay and
23 diminish the positions of the parties and their attempt so reach settlement. Therefore, Defendants assert
24 that good cause exists to extend the stay in this matter until after the early mediation conference.

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1 V. CONCLUSION

2 Based on the foregoing, Defendants respectfully request this Court grant their Motion for
3 Enlargement of Time to File Report of the 90-Day Stay and enlarge the time to file the ninety (90) day stay
4 report until two weeks after the early mediation conference in this matter, which, to date, has not been
5 scheduled.

6 Dated this 8th day of October, 2018.

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8 ADAM PAUL LAXALT
Attorney General

9
10 By:



11 ERIN L. ALBRIGHT
12 Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division

13 *Attorneys for Defendants*

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15 IT IS SO ORDERED

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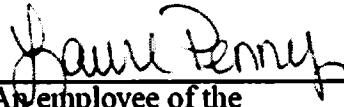
17 U.S. MAGISTRATE JUDGE

18 DATED: 10/9/2018
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 8th day of October, 2018, I caused to be served a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE REPORT OF 90-DAY STAY**, by U.S. District Court CM/CEF Electronic Filing on:

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